REMARKS

Applicants appreciate the Examiner's comments regarding Applicants' arguments concerning the Office action during the telephone interview on October 14, 2004. Applicants acknowledge the Examiner's indication that the rejection under 35 USC § 101 may be overcome. With respect to the rejections under 35 USC § 102/103, as explained below, Applicants have added specificity in amending the claims.

The specification has been amended to correct typographical errors. No new matter has been added.

Claims 1-16 presently are pending in the application. Applicants have amended claims 1-16. Upon entry of this paper, claims 1-16 will be pending and under consideration.

Claims 1-16 have been amended to more clearly describe the nature of the claimed invention. Support for amended claims 1-16 can be found at least at page 5, lines 19-21, page 8 lines 30-35, page 9 lines 1-28, page 13 lines 3-16, page 15 lines 17-21, and page 17 lines 26-28. No new matter has been added.

35 USC § 101 Rejection

Claims 1-16 have been rejected under 35 USC § 101 as being directed to non-statutory subject matter for failure to recite structural limitations within technological arts. Applicants have amended the claims to recite "sets of offer <u>data</u>" and "a rule-based <u>engine</u> executing offer <u>data processing rules</u>". Accordingly, since the amended claims recite structural limitations within technological arts, it is respectfully submitted that the rejection under 35 USC § 101 should be withdrawn.

35 USC § 102/103 Rejections

Claims 1-16 have been rejected under 35 USC 102(e) or 35 USC 103(a) over United States Patent 6,694,316 to Langseth, et al. ("Langseth").

All of the claims, as amended, require <u>a rule-based engine executing offer data processing</u> <u>rules,</u> <u>the data processing rules including an internal set of rules governing overall operation of</u> <u>the rule-based engine,</u> and <u>the offer data processing rules being selected from the group</u> <u>consisting of prioritization rules, selection rules, and time-based rules.</u>

Langseth teaches managing offers but makes no mention of a rule-based engine or offer data processing rules, much less an internal set of rules governing overall operation of the rule-based engine or specific offer data processing rules such as prioritization rules, selection rules, and time-based rules. The only rules mentioned in Langseth are "firewall rules", which do not pertain to processing offer data:

> The PIX firewall uses a series of rules to determine access to specific network
> interfaces, IP addresses and ports. (Col. 22, lines 15-17.)

Langseth also describes personalizing an advertisement based on predetermined criteria:

> The advertisement selected may also be personalized based on predetermined
> criteria including the subscriber information, the type of service or channel being
> run, the time of day, the time of year, and the like. (Col. 27, lines 55-58.)

However, Langseth neither discloses nor suggests a specific implementation using a rule-based engine having offer data processing rules including <u>an internal set of rules governing</u> <u>overall operation of the rule-based engine.</u> There is no indication that Langseth contemplates a rule based implementation at all (rather than, say, a hard-coded or flag-based implementation), much less a specific kind of rule-based engine that is <u>governed</u> by an <u>internal</u> <u>set of rules.</u> Langseth teaches nothing about any set of rules, external or internal, that is capable of governing such an engine.

Accordingly, since the art relied upon does not disclose or suggest all the limitations of the amended claims, it is respectfully submitted that the rejections over Langseth should be withdrawn.
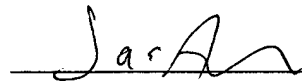
CONCLUSION

In view of the foregoing, Applicants believe that the case is in condition for immediate allowance. Early favorable action is respectfully solicited. The Examiner is invited to contact the undersigned discuss any outstanding issues.

Respectfully submitted,

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